

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re ALUMINUM WAREHOUSING ANTITRUST LITIGATION	:	Civil Action No. 1:13-md-02481-PAE
	:	JOINT STIPULATION AND [PROPOSED] ORDER REGARDING DISMISSAL OF CERTAIN CLAIMS WITH PREJUDICE
This Document Relates To:	:	
	:	
<i>In re Aluminum Warehousing Antitrust Litigation (First Level Purchaser Plaintiffs),</i>	:	
Case No. 1:14-cv-03116-PAE (S.D.N.Y.)	:	

X

WHEREAS, on September 2, 2020, Defendants in the above-captioned action moved for summary judgment against all claims asserted by the First-Level Purchaser Plaintiffs (“FLPs”) and Individual Plaintiffs (“IPs”), with the sole exception of the claims of FLP Ampal Inc. (“Ampal”) arising from its purchases of roughly 2,200 metric tons of aluminum from Glencore Ltd. (“Glencore”) and Century Aluminum (“Century”). ECF Nos. 1286, 1287.

WHEREAS, on February 17, 2021, this Court granted Defendants’ motion for summary judgment and dismissed, for lack of antitrust standing, all claims brought by FLPs and IPs, except for Ampal’s claims arising from its purchases of aluminum directly from Glencore and Century. ECF No. 1320.

WHEREAS, on March 3, 2021, FLPs represented in a joint letter to this Court that they did not “wish to sit on the sidelines while issues that affect them are decided in the appeals court by [IPs].” ECF No. 1323 at 1.

WHEREAS, FLPs hereby withdraw and forever relinquish any contention that there is any reason to treat Ampal’s claims arising from its purchases of aluminum from Century any differently from claims based on purchases of aluminum from Rusal, Alcoa, Rio Tinto Alcan, or any other smelter.

NOW, THEREFORE, the undersigned parties, through their attorneys, stipulate and agree to the following:

1. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Ampal’s claims arising from its purchases of aluminum from Glencore are dismissed *with prejudice*, with each party to bear its own costs, including any attorney’s fees and other expenses related to this litigation.

2. Ampal's claims arising from its purchases of aluminum from Century are dismissed for the reasons set forth in the Court's February 17, 2021 order.

IT IS SO STIPULATED.

DATED: March 15, 2021

Respectfully submitted,

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* * *

O R D E R

IT IS SO ORDERED.

DATED: _____

THE HONORABLE PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE